

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Milagros Franco,

Plaintiff,

-against-

380 Second LLC, and Small Door Gramercy LLC,

Defendants.
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Case No.: 22-cv-04011

**DECLARATION OF
JOSHUA GUTTMAN**

I, Joshua Guttman, declare as follows:

1. I am the chief executive officer and co-founder of Small Door Inc., a majority shareholder and the parent company of Defendant Small Door Gramercy LLC (the “Defendant”, or “Small Door”).

2. I respectfully submit this declaration in support of Defendants’ motion for summary judgment pursuant to Federal Rules of Civil Procedure (“Fed.R.Civ.P.”) 56(c) and 12(b)(1) (the “Motion for Summary Judgment”).

3. On or around November 5, 2021, Small Door, as tenant, entered into a commercial lease with 380 Second LLC, as landlord, for the first floor of 380 2nd Ave., New York, NY 10010 (the “Subject Premises”).

4. Small Door operates a veterinary practice within the Subject Premises.

5. With respect to the accessibility of the restrooms of the Subject Premises, as detailed in Sections 4.1 through 4.11 of the six (6) page report of Leveratto Architecture Group LLC (the “Leveratto Report”), as of the date of this filing, Small Door no longer offers members of the public access to restrooms in the Subject Premises.

6. Nor will Small Door offer members of the public access to restrooms in the future.

7. With respect to the accessibility of the exam rooms of the Subject Premises, as detailed in Sections 5.1 through 5.4 of the Leveratto Report, the Subject Premises includes an exam room designated for wheelchair-bound patrons, designed with requisite dimensions under the 2010 ADA, that is readily accessible and located on the ground floor level of the Subject Premises, adjacent to the reception area (“Exam Room 1”).

8. Exam Room 1 provides identical services as are offered in the other exam rooms of the Subject Premises.

9. With respect to the accessibility of the sink in Exam Room 1 of the Subject Premises, as detailed in Section 5.3 of the Leveratto Report, Small Door has never offered (and will never offer) members of the public access to use the sinks located in the exam rooms in the Subject Premises.

10. The sinks in Small Door’s exam rooms are for employee-use only, as part of the treatment procedures provided by Small Door’s veterinary medical professionals.

11. With respect to the accessibility of the examination tables in Exam Room 1 of the Subject Premises, as detailed in Section 5.4 of the Leveratto Report, Small Door has never offered (and will never offer) members of the public access to use the exam tables located in the exam rooms in the Subject Premises.

12. The exam tables in Small Door’s exam rooms are for employee-use only, as part of the treatment procedures provided by Small Door’s veterinary medical professionals.

13. Moreover, the exam tables in Small Door’s exam rooms are foldable / retractable, and are adjusted based on the size of the animal being examined.

14. With respect to the accessibility of the entrance / egress of the Subject Premises, as detailed in Sections 1.1 of 1.6 of the Leveratto Report, on or around October 2, 2023, Small Door

began construction of a permanent ADA ramp, and relocation of the siamese fire department connection (“FDC”), of the Subject Premises.

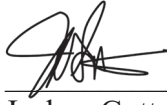
15. On or around October 24, 2023, Small Door completed construction of the permanent ADA ramp, and relocation of the siamese FDC, of the Subject Premises.

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[Signature Page to Follow]

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 28, 2023, at New York, New York.

JOSHUA GUTTMAN

A handwritten signature in black ink, appearing to be 'JG', written over a horizontal line.

Joshua Guttman